

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11000 of 2021

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Maa Sharda Agency, having its Office at Shop No. 13, Ganga Complex, Opposite SBI, Kankarbagh, Patna 800020, through its Proprietor - Dolly Bageria (Female), aged about 51 years W/o Anil Kumar Bagaria, R/o 102, Bansal Tower, R K Bhattacharya Road, P.S. Gandhi Maidan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industry, Government of Bihar, Patna.
3. Commissioner-cum-Secretary, Department of State Taxes, Government of Bihar, Patna.
4. Director, Industries, Department of Industry, Government of Bihar, Patna.
5. The Director (Technical Development) Department of Industry, Government of Bihar.
6. Managing Director, Bihar Industrial Area Development Authority, Patna.
7. The General Manager, District Industries Centre, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Dr. Anand Kumar, Advocate
For the State	:	Mr. Vikas Kumar, S.C.-11
		Mr. Rewti Kant Raman, AC to S.C.-11
For BIADA	:	Mr. Devesh Shankaran, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 26-04-2022

The writ petition has been filed seeking direction to the respondents to pay to the petitioner outstanding amount of Rs.47.959 lacs against subsidy towards investment in plant and machinery etc. under Bihar Industrial Incentive Policy, 2011 (hereinafter referred to as “the Industrial Policy, 2011”).



2. It is the petitioner's specific case that the State Investment Promotion Board (SIPB) had consented on the petitioner's proposal for establishment of the industry of Agriculture PVC Hose Pipe Unit in Industrial Area, Fatuha, Phase-II. It has been stated in paragraph 8 of the writ petition that production in the unit had commenced with effect from 01.12.2014 itself.

3. Learned counsel for the petitioner has submitted that in view of this Court's decision rendered on 29.07.2019 in CWJC No.12104 of 2018 (*M/s Sunny Stars Hotels Private Limited Vs. The State of Bihar & Others* and other analogous cases), the petitioner is entitled to the subsidy as claimed in the writ petition.

4. It is the petitioner's case that despite successive representations made by it before the State authorities, no final decision has been taken on the petitioner's case for reimbursement of the subsidy in terms of the Industrial Policy, 2011.

5. Considering the petitioner's specific case that its claim is squarely covered by the decision of this Court in the case of *M/s Sunny Stars Hotels Private Limited* (supra), this application is disposed of with a direction to the Principal Secretary, Department of Industry, Government of Bihar



(Respondent No.2) to consider the petitioner’s claim in the light of this Court’s decision in the case of *M/s Sunny Stars Hotels Private Limited* (supra) within a period of two months from the date of receipt/production of a copy of this order.

6. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

